



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,312	10/11/2001	Yoshinori Kumasaka	SHC0151	1877

832 7590 11/01/2002

BAKER & DANIELS
111 E. WAYNE STREET
SUITE 800
FORT WAYNE, IN 46802

EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
----------	--------------

3761

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S-M

Office Action Summary

Application No.

09/976,312

Applicant(s)

KUMASAKA ET AL.

Examiner

C. Lynne Anderson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said side edges" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claims 2 and 3 recite the limitation "said guide zones" in lines 3 and 2, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said pair of sheet members" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said side edge portions" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 4 rejected under 35 U.S.C. 102(b) as being anticipated by Nishikawa et al. (5,591,155).

Nishikawa discloses elastically stretchable disposable pants, as shown in figures 1 and 6, comprising a pair of elastically stretchable sheet members 10, a front waist region 36a, a rear waist region 36b, a waist opening and a pair of leg openings. Substantially inelastic guide zones 52, as shown in figure 5, are provided between the central longitudinal axis and each of the side edges and extend longitudinally in the vicinity of both the waist and leg openings. The guide zone 52 is disclosed in line 8 of the abstract as being inelastic.

With respect to claim 2, the elastically stretchable sheet members 10 comprise layers of elastically stretchable fibrous nonwoven fabric, as disclosed in column 3, lines 49-59. The guide zones 52 comprise portions of the nonwoven fabric which are molten and solidified, as disclosed in column 8, lines 5-9.

With respect to claim 4, a pad member comprising a liquid-pervious topsheet 33, a liquid-impervious backsheet 32, and a liquid absorbent core 31 is attached to an inner surface of the pants, as disclosed in column 5, lines 35-40, and shown in figure 6.

Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Proxmire (4,936,840).

Proxmire discloses elastically stretchable disposable pants 10, as shown in figure 8, comprising a pair of elastically stretchable sheet members 12, as described in column 5, lines 42-47. The pants 10 further comprise a front waist region 13, a rear waist region 14, a waist opening and a pair of leg openings. Substantially inelastic guide

Art Unit: 3761

zones 70, as described in column 11, lines 11-15, are provided between the central longitudinal axis and each of the side edges and extend longitudinally in the vicinity of both the waist and leg openings.

With respect to claim 3, the pair of sheet members 12 comprise layers of elastically stretchable fibrous nonwoven fabric, as disclosed in column 5, lines 42-47. The guide zones 70 comprise inelastic strips of sheet material that are bonded to said nonwoven fabric, as disclosed in column 11, lines 11-15. The guide zones 70 therefore have no elastic stretchability, as disclosed in column 11, lines 45-47.

With respect to claim 4, a pad member 32 comprising a liquid-pervious topsheet 34, a liquid-impervious backsheet 36, and a liquid-absorbent core 38 is attached to an inner surface of the pants, as disclosed in column 5, lines 8-20.

With respect to claim 5, the pants 10 comprise a liquid-pervious topsheet 34, a liquid-impervious backsheet 12, and a liquid-absorbent core 38, the liquid-impervious backsheet 12 being formed from the pair of elastically stretchable sheet members 12, as shown in figure 10.

With respect to claim 6, the guide zones 70 are located aside toward the side edge portions of the front and rear waist portions 13 and 14, as shown in figure 8.

With respect to claim 7, the guide zones 70 are located in a vicinity of the pad member 32, as shown in figure 10.

Art Unit: 3761

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

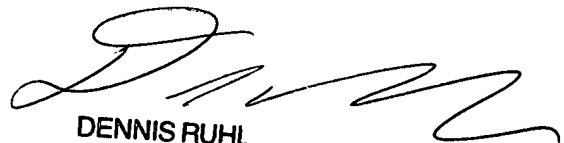
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

UA

cla

October 25, 2002



DENNIS RUHL
PRIMARY EXAMINER